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Docket No.: 693.001/10019556
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Charles E. Henderson, et al.

Application No.: 09/899,534

Group Art Unit: 2171

Filed: July 6, 2001

Examiner: Not Yet Assigned

For: METHOD AND SYSTEM FOR
COLLABORATIVE KNOWLEDGE
MANAGEMENT

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Technology Center 2100

**REQUEST FOR RECONSIDERATION OF REQUEST TO WITHDRAW FROM
REPRESENTATION, OR IN THE ALTERNATIVE RENEWED REQUEST TO
WITHDRAW FROM REPRESENTATION**

Commissioner for Patents
Washington, DC 20231

Dear Sir:

In response to the September 23, 2002 Decision on the Request to Withdraw from Representation, the undersigned requests reconsideration of the Request as originally filed and as supplemented herein or, in the alternative, renews the request to withdraw from representation for the following reasons.

The instant Request to Withdraw from Representation was filed August 28, 2001. A decision denying the request mailed September 23, 2002 states that "[t]here is no indication that Applicant has been notified of the request for withdrawal. Accordingly, the request is **DENIED.**" (Paper No. 10, emphasis in original.) While the decision cites section 37 C.F.R. §1.36 as requiring that "the applicant or patent owner be notified of the withdrawal of the attorney or agent", the pertinent portion of the Rule does not state that the attorney making the request must so advise the applicant. To the contrary, it appears that notification is to be made by the U.S. Patent and Trademark Office upon approval of the request:

37 CFR 1.36. Revocation of power of attorney or authorization; withdrawal of attorney or agent.

A power of attorney or authorization of agent, pursuant to § 1.31, may be revoked at any stage in the proceedings of a case, and a registered attorney or agent may withdraw, upon application to and approval by the Commissioner. A registered attorney or agent, except an associate registered attorney or agent whose address is the same as that of the principal registered attorney or agent, will be notified of the revocation of the power of attorney or authorization, and the applicant or patent owner will be notified of the withdrawal of the registered attorney or agent. An assignment will not of itself operate as a revocation of a power or authorization previously given, but the assignee of the entire interest may revoke previous powers and be represented by a registered attorney or agent of the assignee's own selection. See § 1.613(d) for withdrawal in an interference.

Section 402.05 of the M.P.E.P. states that "Upon revocation of the power of attorney, appropriate notification is sent by the technical support staff of the Technology Center."

Section 402.06¹ specifically dealing with withdrawal of an attorney or agent makes no mention of notification of the Applicant by the withdrawing attorney or agent. This is to be expected since the attorney or agent cannot know in advance if the request will be granted. Instead, this section suggests the use of Form PTO/SB/83 (see attachment 1), that form making no mention of any requirement that the withdrawing attorney or agent give notice to the Applicant that a request for withdrawal has been submitted. To the contrary, the form

¹ 402.06 Attorney or Agent Withdraws
See 37 CFR 1.36 in MPEP § 402.05 . See also 37 CFR 10.40.

In the event that a notice of withdrawal is filed by the attorney or agent of record, the file will be forwarded to the Technology Center Director where the application is assigned where appropriate procedure will be followed pertaining to the withdrawal. The withdrawal is effective when approved rather than when received.

To expedite the handling of requests for permission to withdraw as attorney or agent, under 37 CFR 1.36, Form PTO/SB/83 may be used. Because the Office does not recognize law firms, each attorney of record must sign the notice of withdrawal, or the notice of withdrawal must contain a clear indication of one attorney signing on behalf of another.

The Commissioner of Patents and Trademarks usually requires that there be at least 30 days between approval of withdrawal and the later of the expiration date of a time period for reply or the expiration date of the period which can be obtained by a petition and fee for extension of time under 37 CFR 1.136(a). This is so that the applicant will have sufficient time to obtain other representation or take other action. If a period has been set for reply and the period may be extended without a showing of cause pursuant to 37 CFR 1.136(a) by filing a petition for extension of time and fee, the practitioner will not be required to seek such extension of time for withdrawal to be approved. In such a situation, however, withdrawal will not be approved unless at least 30 days would remain between the date of approval and the last date on which such a petition for extension of time and fee could properly be filed.

For withdrawal during reexamination proceedings, see MPEP § 2223 .

suggests that it be submitted in triplicate, presumably so that a copy might be forwarded by the U.S.P.T.O. to the Applicant.

For the reasons presented above, it is submitted that the Request as originally submitted complied with all requirement for withdrawal and reconsideration of the Request is respectfully requested.

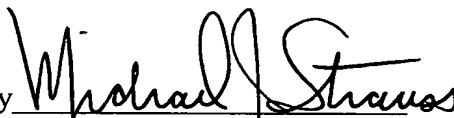
While the undersigned takes the position that notification of the Applicant of the request to withdraw by the requesting attorney is not a requirement, in the instant case, the Applicant had been so notified by a letter dated September 3, 2002, a copy of which is attached as Attachment 2. Thus, the undersigned renews the Request to Withdraw as supplemented herein by the letter notifying the Applicant of the request.

In view of the above, the undersigned again requests to withdraw as attorney for the above identified patent application, the request being made on behalf of myself and all attorneys/agents of record.

Applicant believes no fee is due with this paper. However, if a fee is due, please charge our Deposit Account No. 06-2375, under Order No. 693.001/10019556 from which the undersigned is authorized to draw.

Dated: October 2, 2002

Respectfully submitted,

By 

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